

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
JANUARY 20, 2004
MINUTES**

- | | | |
|--|------|---|
| CALL TO ORDER | A. | <p>Mayor Klimetz called the regular Common Council meeting of January 20, 2004 to order at 6:30 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.</p> <p>Present were: Mayor Klimetz, Aldermen Dorsan, Solomon, Netzel, Kosovich, Sohns and Bergmann. Also present were City Engineer Bennett, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.</p> |
| COMMENDATION | | <p>Mayor Klimetz read a certificate of commendation for Innovative Health & Fitness receiving the 2003 Pride in Premises Large Division award, as selected by Southeastern Chamber United in Business.</p> |
| CITIZEN COMMENT | B. | <p>Citizen comment period was opened at 6:33 p.m. and closed at 7:10 p.m.</p> |
| MINUTES-
01/06/04 | C-1. | <p>Alderman Netzel moved to approve the regular Common Council meeting minutes of 01/06/04 with the exception of F-2. Seconded by Alderman Solomon. On roll call, Aldermen Dorsan, Solomon, Netzel, Kosovich and Bergmann voted Aye; Alderman Sohns abstained. Motion carried.</p> |
| PUBLIC HEARING-
BLOCK GRANT
FUNDS | D-1. | <p>The public hearing for the reallocation of unexpended Community Development Block Grant Funds was opened at 7:13 p.m. and closed at 7:16 p.m.</p> |
| REQUEST FOR
EXPENSES
REIMBURSEMENT-
K. SKOWRONSKI
P. NICKERSON | E-1. | <p>Mayor Klimetz vacated his seat. Council President Dorsan chaired the meeting at this time. Kenneth P. Skowronski and Philip G. Nickerson presented invoices to the City in the amount of \$2,712.50 and \$2,773.46 respectively for B. Ryan v. Franklin, Case No. 03-CV-006469. Alderman Sohns moved to table their requests to Committee of the Whole meeting of 02/02/04 along with related subject matter items. Seconded by Alderman Bergmann. All voted Aye; motion carried.</p> <p>Mayor Klimetz returned to his seat.</p> |
| REQUEST TO
SPEAK-MR. ALT | E-2. | <p>Mr. Leslie Alt, 12134 W. Belmar Drive, spoke regarding Tax Increment Financing in the City of Franklin.</p> |
| TRANSITIONAL
FACILITY-SEXUAL
PREDATORS | F-1. | <p>City Attorney presented report regarding proposed transitional facility for sexual predators, including legal rights of the City. State Representative Jeff Stone appeared regarding sexual predator legislation. Milwaukee County Supervisor Mark Borkowski also appeared. Alderman Dorsan will be attending the February 20, 2004 hearing that will be held by Judge Mary Kuhnmuensch regarding a sexual predator release.</p> |

- | | | |
|--|------|--|
| TAX
INCREMENTAL
TASK FORCE FINAL
REPORT | F-2. | Alderman Solomon moved to schedule a special Common Council meeting for 6:30 p.m. on 01/27/04, for the purpose of the final report of the Tax Incremental District Task Force. Seconded by Alderman Dorsan. All voted Aye; motion carried. |
| GOVERNMENT
ACCESS CHANNEL | F-3. | Alderman Bergmann moved to refer the Technology Commission recommendation on the development of an implementation plan to establish a Government Access Cable Channel for the City of Franklin back to the Technology Commission for further review with Finance Committee members to be invited. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| SENIOR CITIZEN
TRAVEL PROGRAM | F-4. | Mrs. Shirley Bird presented the 2003 annual report for the Franklin Senior Citizens Travel Program. Mayor Klimetz and the Common Council thanked Mrs. Bird for her efforts, dedication and service to the City of Franklin. Alderman Sohns then moved to accept the 2003 annual report as presented by Mrs. Bird. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| RES. 2004-5638
LABOR
AGREEMENT-
LOCAL NO. 2 | F-5. | Alderman Solomon moved to adopt Resolution No. 2004-5638, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A LABOR AGREEMENT WITH THE FRANKLIN LOCAL NO. 2, AFSCME, AFL-CIO BARGAINING UNIT FOR 2003-2005. Seconded by Alderman Netzel. All voted Aye; motion carried. |
| RES. 2004-5639
PARAMEDIC
SERVICES | F-6. | Alderman Netzel moved to adopt Resolution No. 2004-5639, A RESOLUTION APPROVING AN EMERGENCY MEDICAL SERVICES AGREEMENT FOR PARAMEDIC SERVICES BETWEEN MILWAUKEE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE CITY OF FRANKLIN FOR 2004 AND 2005. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| RES. 2004-5640
MUTUAL AID
AGREEMENT | F-7. | Alderman Dorsan moved to adopt Resolution No. 2004-5640, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL MUTUAL AID AGREEMENT FOR THE MILWAUKEE COUNTY/WAUKESHA COUNTY CONSORTIUM FOR EMERGENCY PUBLIC HEALTH PREPAREDNESS. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| ORD. 2004-1778
INTERIM CITY
TREASURER | F-8. | Alderman Solomon moved to adopt Ordinance No. 2004-1778, AN ORDINANCE TO AMEND ORDINANCE NO. 2003-1764 PERTAINING TO THE POSITION OF INTERIM CITY TREASURER amending Section 3 to change the additional compensation ending date from December 15, 2003 to March 30, 2004. Seconded by Alderman Netzel. All voted Aye; motion carried. |

- | | | |
|---|-------|--|
| RES. 2004-5641
INSTITUTIONAL
AGENCY
AGREEMENT | F-9. | Alderman Solomon moved to adopt Resolution No. 2004-5641, RESOLUTION APPROVING THE INSTITUTIONAL AGENCY AGREEMENT WITH MARSHALL & ISLEY TRUST COMPANY NA. Seconded by Alderman Dorsan. All voted Aye; motion carried. |
| UNIFIED
DEVELOPMENT
ORDINANCE-
PERMITTING
PROCESS | F-10. | Alderman Solomon moved to refer the proposed amendments to the Unified Development Ordinance relating to permitting process, Section 15-8.0300, to Common Council meeting of 02/16/04 for further discussion and receipt of documentation prior to the meeting. Seconded by Alderman Netzel. All voted Aye; motion carried. |
| REVIEW OF
NATURAL
RESOURCE
PROTECTION
PLANS | F-11. | Alderman Solomon moved to direct staff to prepare Request for Proposal for review of natural resources protection plans and construction inspection (arborist/biologist) with input from the Planning Department and Environmental Commission, and further that the RFPs return to the Common Council for approval. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| RES. 2004-5642
MILW. COUNTY
SPORTS COMPLEX | F-12. | Alderman Sohns moved to adopt Resolution No. 2004-5642, A RESOLUTION APPROVING A CONTRACT WITH RUEKERT-MIELKE FOR DEVELOPMENT OF A NEIGHBORHOOD PLAN FOR THE MILWAUKEE COUNTY SPORTS COMPLEX AND SURROUNDING LAND FOR THE CITY OF FRANKLIN, with the further condition that Planning Manager and Ruekert-Mielke will appear before the Plan Commission explaining how contract will be completed and how plans will be prepared. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| COMBINED
DEPARTMENTS | F-13. | Alderman Sohns moved to table the report from the Community Development Services Work Group to 02/02/04 Committee of the Whole. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| W. LOOMIS ROAD
SIDEWALK | F-14. | Alderman Sohns moved to approve Alternate B which includes sidewalk on the north side of W. Forest Hill Avenue from W. Loomis Road to S. Legend Drive, using the existing sidewalk in the Forest Hill Village development and then extending sidewalk along S. Legend Drive with a spur to the Library to serve the Brenwood and Forest Hill Highlands senior housing using block grant funding. Seconded by Alderman Dorsan. All voted Aye; motion carried. |
| SOIL
CONTAMINATION | F-15. | Alderman Netzel moved to table a resolution approving a settlement agreement for the soil contamination at 9625 S. 54th Street in the Franklin Business Park to the Common Council meeting of 02/03/04. Seconded by Alderman Bergmann. All voted Aye; motion carried. |

Franklin Common Council

1/20/04

Page Four

- | | | |
|--|-------|---|
| ENVIRONMENTAL PROBLEMS-9625 S. 54TH STREET | F-16. | Alderman Bergmann moved to table authorizing staff to proceed with an agreement with Sigma Environmental Environmental for additional services for the environmental soil problem at 9625 S. 54th Street in the Franklin Business Park for a cost not to exceed \$18,800 to the Common Council meeting of 02/03/04. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| KAITLIN WOODS DEVELOPMENT | F-17. | Alderman Bergmann moved to table reimbursement to Westaire, Inc. for oversize water main on St. Martins Road abutting Kaitlin Woods Development to the Common Council meeting of 02/03/04. Alderman Bergmann withdrew his motion. Alderman Solomon then moved to reimburse the developer of Kaitlin Woods, Westaire, Inc., for the amount of \$25,012.00 for water main oversize, over a period of five years at 20% per year, with the funds for reimbursement taken from the water connection fee. Seconded by Alderman Netzel. On roll call, Aldermen Solomon, Netzel, Kosovich, Sohns and Bergmann voted Aye; Alderman Dorsan voted No. Motion carried. |
| RES. 2004-5643
EASEMENT-
FIRE STATION
NO. 3 | F-18. | Alderman Netzel moved to adopt Resolution No. 2004-5643, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO GRANT AN EASEMENT FOR A WE ENERGIES DISTRIBUTION EASEMENT AT FIRE STATION NO. 3. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| RES. 2004-5644
EASEMENTS-
SILVERWOOD
HEIGHTS
SUBDIVISION | F-19. | Alderman Dorsan moved to adopt Resolution No. 2004-5644, A RESOLUTION ACCEPTING EASEMENTS (1 through 6) FOR THE INSTALLATION AND MAINTENANCE OF STORM SEWER AND DRAINAGE IN THE SILVERWOOD HEIGHTS SUBDIVISION. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| RES. 2004-5645
EASEMENTS-
TOWNE REALTY,
INC. | F-20. | Alderman Dorsan moved to adopt Resolution No. 2004-5645, A RESOLUTION ACCEPTING EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF NATURAL RESOURCE PROTECTION EASEMENTS (Parcels 1-4), FOR TOWNE REALTY CSM #7330. Seconded by Alderman Netzel. All voted Aye; motion carried. |
| RES. 2004-5646
EASEMENTS-
WINTERHAVEN
SUBDIVISION | F-21. | Alderman Netzel moved to adopt Resolution No. 2004-5646, A RESOLUTION ACCEPTING EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF SANITARY SEWER, STORM DRAINAGE & TEMPORARY TURN AROUND EASEMENTS IN WINTERHAVEN SUBDIVISION. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| W. DREXEL AVE.
WATER MAIN
EXTENSION | F-22. | Alderman Netzel moved to approve Change Order No. 1 for S. 31st Street, S. 27th Street and W. Drexel Avenue water main extension, project 98-WU101 in the amount of \$6,461.90 decreasing the contract with Mainline Sewer and Water, Inc. as a hydrant was eliminated from the contract. Seconded by Alderman Sohns. All voted Aye; motion carried. |

Franklin Common Council

1/20/04

Page Five

- | | | |
|---|-------|---|
| S. 31st STREET,
S. 27th STREET &
W. DREXEL AVE. | F-23. | Alderman Netzel moved to approve Change Order No. 1 for the S. 31st Street, S. 27th Street and W. Drexel Avenue Sanitary Sewer Project 98-S104 in the amount of \$31,420.39. Increase in cost for the contract with Mainline Sewer and Water, Inc. is for miscellaneous unit cost increases primarily dealing with the pavement restoration. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| SPECIAL COMMON
COUNCIL MEETING | F-24. | Alderman Sohns moved to table to the 02/02/04 Committee of the Whole meeting the subject of scheduling a Special Common Council meeting for the purpose of meeting with chairs of boards and commissions to discuss visions and goals for 2004. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| FEE WAIVER-
TEMPORARY USE | F-25. | Alderman Netzel moved to approve a fee waiver of \$50.00 as requested for Tripoli Temple Provost Unit, a non-profit organization registered in the State of Wisconsin for a temporary use application fee. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| FUND DRIVE | F-26. | Alderman Netzel moved to approve the Veterans of Foreign War request to sell poppy's in the City of Franklin during May, 2004. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| COMBINED PUBLIC
SAFETY SERVICES | F-27. | Alderman Netzel reported on the status of meetings with Village of Hales Corners regarding consolidation of public safety services. |
| ETHICS BOARD
LEGAL COUNSEL | F-28. | Mayor Klimetz reported on status of appointment of independent legal counsel to assist the Ethics Board. Alderman Netzel moved to approve appointment of independent legal counsel (Atty. James E. Collis) to assist the Ethics Board on any matter outstanding where the City Attorney has a possible conflict, with funding to come from outside legal counsel budget, at a cost not to exceed \$300. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| CITY HALL
REMODELING | F-29. | Alderman Sohns moved to authorize the Director of Administration to execute change orders for the City Hall Remodeling Project up to \$13,795.00 and also moved to waive permit fees. Seconded by Alderman Bergmann. All voted Aye; motion carried. |
| AUDIT STATUS
REPORT | F-30. | Alderman Solomon moved to table the status report on the audit currently being conducted by Reilly Penner & Benton LLP. Seconded by Alderman Sohns. All voted Aye; motion carried. |
| CLOSED SESSION-
WASTE
MANAGEMENT
EXPANSION | F-31. | Alderman Solomon moved to enter closed session at 9:25 p.m. pursuant to §19.85(1)(e). Stats. to deliberate upon and develop strategies with regard to the bargaining of the proposed establishment/expansion of solid waste facilities pertaining to the Metro Recycling and Disposal Facility and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Bergmann. On roll call, all voted Aye; motion carried. |

Upon reentering open session at 9:53 p.m.

LICENSES

H-1. Alderman Netzel moved to grant the following licenses subject to meeting all licensing requirements:

Class B Combination to The Bowery, Roger W. Hein, Agent, 3023 W. Ryan Road subject to final inspection;

Operator License to Juan J. Arriaga, 2807 S. 12th Street, Milwaukee; Joshua I. Bishop, 6219 W. Mitchell Street, West Allis; Shelly L. Ertl, 3795 E. Denton Avenue #53, St. Francis; Colleen L. Lesser, 6219 W. Mitchell Street and Hope A. Lozano, 1218 S. 57th Street, West Allis;

and also moved to hold Operator Licenses for Patrick J. Bustillos, 1123 S. Ninth Street, Milwaukee and Robert L. Tyree, 2468 S. Burrell St., Milwaukee subject to appearing before the License Committee. Seconded by Alderman Sohns. All voted Aye; motion carried.

VOUCHERS

I-1. Alderman Sohns moved to approve City vouchers in the range of nos. 104857 thru 105080 in the amount of \$926,384.16. Seconded by Alderman Bergmann. On roll call, all voted Aye; motion carried.

PAYROLL

Alderman Netzel moved to approve net payroll of January 9, 2004 in the amount of \$281,353.55. Seconded by Alderman Dorsan. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Sohns moved to adjourn the Common Council meeting at 10:10 p.m. Seconded by Alderman Netzel. All voted Aye; motion carried.